

United States Courts
Southern District of Texas
FILED

AUG 05 2019

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Edna Berenice Puente

CRIMINAL COMPLAINTCase Number: **C-19-3008m**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about August 3, 2019 in Brooks County, in the Southern District of Texas defendant, **Edna Berenice Puente**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Gilbert Ruiz

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

August 5, 2019

Date

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

Signature of Complainant

Gilbert Ruiz

Printed Name of Complainant

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On August 3, 2019, Border Patrol Agent (BPA) M. Ortiz Jr. was assigned to the primary inspection area of the United States Border Patrol Checkpoint near Falfurrias, Texas. At approximately 3:55 p.m., a blue Chevrolet Malibu with one visible occupant approached the primary inspection area.

The vehicle was driven by Edna Berenice Puente. BPA Ortiz noticed Puente avoided eye contact with him, and kept looking at the service canine through her side mirror. BPA Ortiz also noticed Puente fidgeting with a cigarette. BPA Ortiz asked Puente if she was a United States Citizen, and where she was traveling. Puente acknowledged being a United States Citizen. She nervously replied, "Midland, Texas" when asked a second time regarding her destination. BPA Ortiz did not see any luggage inside the vehicle, and Puente claimed there was nothing inside the trunk. BPA Ortiz requested permission to search the trunk, and Puente agreed. Puente appeared to have difficulty locating the trunk release button, and stared at BPA Ortiz through the side mirror as he approached the trunk.

BPA Ortiz noticed a person hiding inside the partially opened trunk, and requested Puente to step out of the vehicle. Puente was detained and escorted inside the checkpoint, and two subjects were discovered inside the trunk. The subjects were identified as; Franz Denilson Castro-Castro and Sara Yaneth Martinez-Domingo. Both subjects admitted to being Guatemalan nationals illegally present in the United States. Puente and the two smuggled aliens were placed under arrest.

Miranda Rights:

Puente was read her Miranda Rights in her preferred language. Puente acknowledged understanding her rights but declined to provide a statement.

The smuggled aliens were read their Miranda Rights in their preferred language. They acknowledged understanding their rights and were willing to provide statements without the presence of an attorney.

Defendant - Edna Berenice Puente Statement:

Puente declined to provide a statement.

Material Witness - #2: Sara Yaneth Martinez-Domingo Statement:

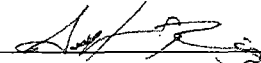
Martinez-Domingo disclosed that she illegally entered the United States through Miguel Aleman, Mexico, and was held at three different stash houses. At the final stash house, she was provided the phone number for Puente. Puente arrived at the stash house the day they were arrested, and was going to transport them to Houston. Martinez-Domingo stated that Puente instructed them to get inside the trunk about thirty minutes prior to arriving at the checkpoint.

Material Witness - #1: Franz Denilson Castro-Castro Statement:

Castro-Castro stated that he illegally entered the United States through Reynosa, Mexico and was held at a stash house for three weeks. Castro-Castro claimed that his family made arrangements for him to be smuggled through the Falfurrias Checkpoint. He was instructed to walk away from the stash house and told that a blue car would be waiting for him and the other illegal alien. Castro-Castro and Martinez-Domingo entered the rear seat area, and recalled seeing Puente get into the driver's seat. They drove directly to the checkpoint, and Puente instructed them to get inside the trunk approximately five minutes prior to their arrival.

Disposition:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Edna Berenice Puente for prosecution for violating Title 8 USC 1324, Alien Smuggling. Franz Denilson Castro-Castro and Sara Yaneth Martinez-Domingo will be held as material witnesses in this case.



Gilbert Ruiz
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on the August 5th, 2019.



Jason B. Libby
United States Magistrate Judge